

**THE CONTINENTAL INSURANCE
COMPANY,**

V.

Defendant.

THIS MATTER IS BEFORE THE COURT on “Plaintiff’s Motion for Protective Order to Modify the Case Management Plan” (Document No. 20) filed October 5, 2010, and Defendant’s “Motion for Protective Order and/or to Quash Subpoena to Plaintiff’s Expert Steven [REDACTED]” (Document No. 23) filed October 13, 2010. The parties have consented to Magistrate Judge [REDACTED]’s review of the motions pursuant to 28 U.S.C. § 636(c), and immediate review of these motions is appropriate. After carefully considering the motions, the record, applicable authority, and the parties’ arguments, and after a telephone hearing on October 13, 2010, the undersigned will grant the first motion and deny the second motion as moot.

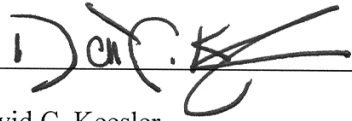
Under the circumstances of this case, including the fact that the time for Defendant to provide its expert report has twice been extended, the undersigned finds that the Case Management Plan should be amended such that the deposition of Plaintiff's expert, Steven Morris, shall not occur until after **November 1, 2010**, the date Defendant's expert report is due. See (Document Nos. 17, 19).

IT IS, THEREFORE, ORDERED that the “Plaintiff’s Motion . . . to Modify the Case Management Plan” (Document No. 20) is **GRANTED**. The deposition of Plaintiff’s expert shall

be scheduled for a date after **November 1, 2010**.

IT IS FURTHER ORDERED that Plaintiff's "Motion for Protective Order and/or to Quash Subpoena to Plaintiff's Expert Steven Morris" (Document No. 23) is **DENIED AS MOOT**.

Signed: October 15, 2010



David C. Keesler
United States Magistrate Judge

